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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,764	03/24/2004	Heng-Chien CHEN	TRAP0006USA	2763
27765	7590	11/01/2007		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116				
			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 11/01/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/708,764

Applicant(s)

CHEN, HENG-CHIEN

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/27/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Niehoff et al. (US 2004/0101196 A1).

Regarding **claim(s) 1**, Niehoff discloses a telephone apparatus for use in conjunction with a computing device, the computing device executing a telephone software application for making telephone calls over the Internet (column 1, lines 5-7), the telephone apparatus comprising:

an interface for receiving downstream audio packages from the computing device and for sending upstream audio packages to the computing device (column 5, lines 61-67);

a voice compression/decompression circuit for decompressing the downstream audio packages received through the interface and for compressing upstream audio packages sent to the interface according to a predetermined voice compression protocol (column 6, lines 48-52);

an audio codec for converting the decompressed down- stream audio packages received from the voice compression/decompression circuit into downstream analog signals, and for converting upstream analog signals into upstream audio packages sent to the voice compression/ decompression circuit; and an analog audio interface for outputting the downstream analog signals and for receiving upstream analog signals (column 6, lines 53-65):

Regarding **claim(s) 2**, Niehoff discloses a telephone apparatus further comprising a processor for controlling operation of the telephone apparatus (column 7, lines 26-31).

Regarding **claim(s) 3**, Niehoff discloses a telephone apparatus wherein the audio codec conforms to the Audio Codec "97 specification (column 7, lines 32-37).

Regarding **claim(s) 4**, Niehoff discloses a telephone apparatus wherein the predetermined voice compression protocol is a G.7xx voice compression protocol (column 6, lines 32-52).

Regarding **claim(s) 5**, Niehoff discloses a telephone apparatus further comprising a microphone connected to the analog audio interface for inputting upstream analog signals to the telephone apparatus (column 8, lines 56-67).

Regarding **claim(s) 6**, Niehoff discloses a telephone apparatus further comprising a speaker for outputting the downstream analog signals from the telephone apparatus (column 8, lines 56-67).

Regarding **claim(s) 7**, Niehoff discloses a telephone apparatus further comprising a headset jack formed for receiving a plug of a headset (column 8, lines 56-67).

Regarding **claim(s) 8**, Niehoff discloses a telephone apparatus further comprising a wireless transceiver for receiving wireless digital upstream signals from a wireless headset and for transmitting wireless digital downstream signals to the wireless headset (column 8, lines 56-67).

Regarding **claim(s) 9**, Niehoff discloses a telephone apparatus wherein the interface that the telephone apparatus uses to communicate with the computing device is a Universal Serial Bus interface (column 8, lines 56-67).

Regarding **claim(s) 10**, Niehoff discloses a telephone apparatus wherein the interface that the telephone apparatus uses to communicate with the computing device is an IEEE 1394 interface (column 8, lines 56-67).

Regarding **claim(s) 11**, Niehoff discloses a telephone apparatus wherein the interface that the telephone apparatus uses to communicate with the computing device is an Ethernet (IEEE 802.3) interface (column 8, lines 56-67).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

GG  
October 25, 2007